

Penalty Determination Factor Worksheet

Employee Name: MBDO (b)(6)

Case Number: (b)(6)

1. The nature and seriousness of the offense, and its relationship to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.

On August 8, 2013 while performing TDC duties a male passenger gained access into the screening checkpoint queuing line and proceeded to the WTMD at Lane 6/7. You did not maintain effective situation awareness of your surroundings and failed to recognize this male entered through your TDC position. The male did present nor did he have proper authorization documents to enter into this area.

In your position as a MBDO, following proper procedures to ensure that no prohibited item(s) or person's with intent to harm gets on board an aircraft is paramount. You were inattentive to your assigned duties as a TDC. Negligent performance of security duties subjects your fellow officers, airport employees, and passengers to unknown risks. Individually, you become a security vulnerability that may be exploited by anyone with ill intent if they observe and identify your security negligence. Your failure in TDC screening procedures resulted in a impact to the screening operations; causing additional resources to be deployed impacting the normal operations, taking management from normal duties causing the operation to suffer.

2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position. For example, certain employees such as supervisors or law enforcement officers may be held to higher standards than other employees.

(b)(6) is an MBDO and he exercises no supervisory responsibilities during his shift. His position requires constant contact and interaction with the public.

3. The employee's past adverse or disciplinary action record. If past discipline is used, it must be mentioned in the notice of proposed action.

MBDO (b)(6) has no record of disciplinary or adverse action.

4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.

MBDO (b)(6) has been employed with the TSA since August 03, 2002. He has proven to be dependable and an officer who works well with co-workers and exhibits good customer service skills.

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Employee's Name: MBDO

(b)(6)

Case Number:

(b)(6)

5. The effect of the offense upon the employee's ability to perform at a satisfactory level, and its effect upon the supervisors' confidence in the employee's ability to perform assigned duties.

I have all confidence that this incident will only make MBDO (b)(6) a much better officer. This incident should impress upon him the need to remain alert and attentive to his immediate surroundings.

6. Consistency of the penalty with those imposed upon similarly situated employees for the same or similar offenses.

This penalty is consistent with the TSA Table of Offenses and Penalties, which provides for a "recommended penalty range" of a LOR to a 10 day suspension for the offense of Negligent Performance of Duties.

7. The notoriety of the offense or its impact upon the reputation of the agency.

Notoriety with this incident is confined to the involved passengers and airline representatives.

8. The clarity with which the employee was on notice of any rules violated in committing the offense or had been warned about the conduct in question.

Officers have been briefed on multiple occasions the seriousness of not properly screening boarding pass from the TDC position as well as the consequences of missing a selectee. Officers have also been advised on the impact that a breach of this kind at the checkpoint would have on the airline. Additionally, the internal notoriety of improperly screening a boarding pass and its disciplinary results are well known among the workforce.

9. The clarity with which the employee was on notice of performance expectations and problems with his or her performance.

There were no previous duty performance problems prior to this incident.

10. Potential for the employee's rehabilitation.

MBDO (b)(6) rehabilitation potential is without doubt but is dependent on his willingness to move on from this setback and press forward.

11. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matter.

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DELIBERATIVE PROCESS PRIVILEGE

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None management has been made aware of.

12. The adequacy and effectiveness of alternative actions to deter such conduct or improve performance in the future by the employee or others.

Alternative sanctions have been employed previously in similar incidents and have not been successful in deterring such conduct. Officers have been remediated and re-briefed to emphasize the significance of proper screening at TDC.

The penalty issued reinforces TSA's commitment to holding employees accountable for their actions and serves as a deterrent to such conduct by this individual and other employees in the future.

STSM Jose R Zengotita
Proposing Official's Name/Title

August 08, 2013
Date

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DELIBERATIVE PROCESS PRIVILEGE

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TSA EMPLOYEE STATEMENT FORM

DATE OF INCIDENT 8/7/2013 TIME OF INCIDENT 1600 hour
REPORTERS NAME (b)(6)
EMPLOYEE INVOLVED (b)(6)
TYPE OF COMPLAINT Incident Report

NARRATIVE: At approximately 1620 (b)(3)49 USC § 114(n) WAS INITIATED AT THE WEST CHECKPOINT. I PERFORMED THE TDC FUNCTION AT THE A-SIDE (SEE RIGHT PODIUM VIEWED FROM BOTH TDC) FROM 1620 UNTIL APPROXIMATELY 1710 WHEN I WAS TAPPED OUT FOR LUNCH. AFTER RETURNING FROM LUNCH I WAS TOLD TO REPORT TO TSM CAMPOS, WHO NEEDED TO SPEAK TO ME. TSM CAMPOS INFORMED ME THAT AN INDIVIDUAL PASSED THE TDC PODIUM I WAS MANNING WITHOUT A BOARDING PASS. TSM CAMPOS INFORMED ME OF THE DETAILS AND TSM FLEMING PROVIDED PHOTOS FROM CCTV. I RECALLED THE GROUP IN QUESTION - 3 WOMEN A MOM AND TWO DAUGHTERS. THE MOM ENTERED ON A GATE PASS, AND THE TWO DAUGHTERS WERE TRAVELING. I DID NOTICE THE GENTLEMAN. HE APPEARED TO BE OUTSIDE THE STACION AND DIDNT APPEAR TO HAVE AN INTENTION OF ENTERING. I REMEMBERED THE THREE LADIES BECAUSE THEY ALL HAD (b)(3)49 USC § 114(n) AND I INQUIRED AS TO THEIR RELATION. ONCE I CHECKED ALL THREE DOCUMENTS AND THEY BEGAN TO PROCEED I TURNED MY ATTENTION TO THE OTHER SIDE OF THE PODIUM.

Notes: 1) BIDS PROVIDE BACKUP TO TDC AS A FUNCTION OF OUR LOCATION. WE HAVE STOPPED MORE THAN A FEW FROM GETTING PAST TDC. OBVIOUSLY DURING (b)(3)49 USC § 114(n) THAT BACKUP CASSES. ASSOCIATED WITH 2) DUAL-LINE TDCS HAS ALWAYS BEEN A HUGE POTENTIAL FOR UNAUTHORIZED ENTRY. THIS IS A PROBLEM THAT NEEDS TO BE INVESTIGATED/ADDRESSED. REPORTERS SIGNATURE (b)(6) DATE 8/7/2013
REPORTERS SIGNATURE (b)(6) DATE 8/7/2013
IT IS DIFFICULT TO MAINTAIN CONTROL OF TWO LINES/WHILE/SIMULTANEOUSLY SCRUTINIZING DOCUMENTS



Transportation
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TSA EMPLOYEE STATEMENT FORM

DATE OF INCIDENT 08/07/13 TIME OF INCIDENT 1710hrs
REPORTERS NAME (b)(6)
EMPLOYEE INVOLVED _____
TYPE OF COMPLAINT _____

NARRATIVE: On the time and date mentioned above while on duty and operating as Dynamic Officer for lane 6 and seven (7) I was assisting a family of four with the process of putting there bags on the belt to be entered into the x-ray machine. when I approached them I asked the family "who all is with you today?" The female head of the family notified me that it was her, her 2 daughters and her husband. As I sometimes do in trying to alleviate the amount of people waiting in line, I asked the dad to stay with all the bags and continue to push them inside the x-ray machine and allow the females with him to proceed. when this happened, the dad said that he needed to hug his daughters "goodbye". This raised a question on my behalf. So I asked him if he wasn't gonna escort them all the way to the gate? His response was "This is as far as I go". I asked him again "Do you not have a boarding or a gate pass?" He said "No" that "they" didn't ask for one and he was gonna go back outside. At this point and since he couldn't continue on or me leave my post to escort him out, I had the "mag" operator (b)(6) get the closest supervisor (b)(6) to notify him of the situation. (b)(6) took over the situation and I continued with my duties.

REPORTERS SIGNATURE

REPORTERS SIGNATURE

(b)(6)

DATE 8/7/13



Transportation
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TSA EMPLOYEE STATEMENT FORM

DATE OF INCIDENT

8/7/13

TIME OF INCIDENT

17:12

REPORTERS NAME

(b)(6)

EMPLOYEE INVOLVED

(b)(6)

TYPE OF COMPLAINT

Improper Screening

NARRATIVE:

17:12 TSO (b)(6) called me to D.O. position for west checkpoint lanes 6 & 7 to see TSO (b)(6)
17:13 TSO (b)(6) (who was D.O.) advised me that the male passenger standing next to her did not have a boarding pass or gate pass.
The gentleman stated he was escorting his family. TSO (b)(6) stated she identified the passenger (b)(6) saying he could not go past the WTMID or AOT. When she asked him for a gate pass or boarding pass he stated he did not have either.
17:16 TSO (b)(6) & STSO (b)(6) escorted the passenger out. He was not able to ID the TDC TSO when asked to.
STSO (b)(6) advised TSM (b)(6) & LTSM (b)(6)
17:20 TSM (b)(6) & LTSM (b)(6) took control of the incident.

(b)(6)

REPORTERS SIGNATURE

(b)(6)

REPORTERS SIGNATURE

DATE 8/7/13



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TSA EMPLOYEE STATEMENT FORM

DATE/TIME OF INCIDENT 08/07/2013 TIME OF INCIDENT 17:10

REPORTERS NAME Amanda Fleming

EMPLOYEE INVOLVED BDO (b)(6)

TYPE OF COMPLAINT Negligent performance of duties regarding failure to properly screen a passenger's boarding pass

NARRATIVE

On 8/7/13 at approximately 1710, STSO (b)(6) came to me with a male passenger (thought he was a passenger). (b)(6) stated he got all the way to the WTMD and hugged his family good by. He was asked by at TSO why he wasn't going thought and he stated he wasn't flying he just was say goodby. The Male person stated he knew he could't go through, but thought he was able to walk his family up to the WTMD. He was escorted out to me (b)(6). (b)(6). I questioned the male and asked if he had a gate pass, and he responed no, but his other family members did. I asked him if he rememberd where he entered, he responed no. We waited for his mother to return from the gate to retrieve her gate pass so we could see where they came in at.

I went to curbside to retrieve the mothers Gate pass. It was signed by a BDO. (b)(6) and I pulled the CCTV and found out what time and where he entered. Please see CCTV time frame 4:58. WCP TDC. Please see attached Documents.

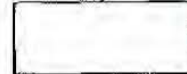
REPORTER'S SIGNATURE (b)(6) / /

(b)(6)

8-13-13

Gate Pass Gate Pass
Gate Pass Gate Pass
*** NOT VALID FOR TRANSPORTATION ***

(b)(6)



Female

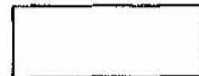
VALID ONLY ON DATE OF ISSUE 07Aug13
16:44

Please Advise Bearer to SPIRIT AIRLINES
to assist in Arriving/Departing Customer

THIS PORTION MUST BE SURRENDERED TO
SECURITY PERSONNEL AT CHECK POINT

Security Copy

Gate Pass Gate Pass
Gate Pass Gate Pass



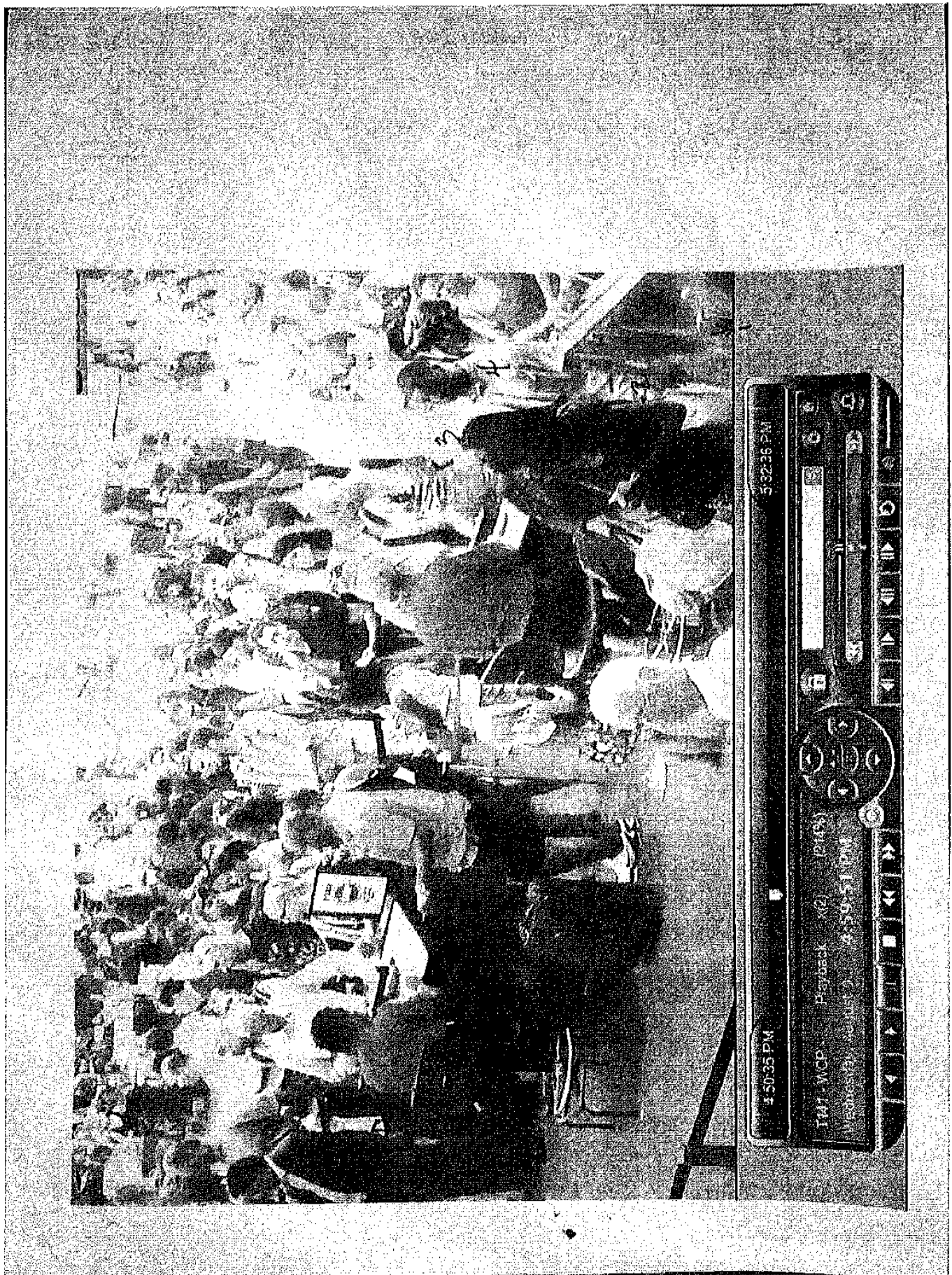
Female

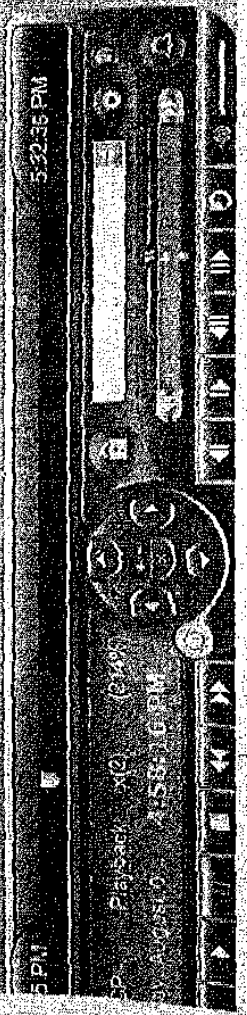
VALID ONLY ON DATE OF ISSUE 07Aug13
16:44

*** NOT VALID FOR TRANSPORTATION ***

Customer Copy









Transportation
Security
Administration

Date: August 26, 2013

To: (b)(6)
Master Transportation Security Officer
Orlando International Airport

From: Jose Zengotita
SPOT Transportation Security Manager
Orlando International Airport

Subject: Letter of Reprimand

Ref #: (b)(6)

The purpose of this memorandum is to officially reprimand you for your negligent performance of duties at the West Checkpoint Travel Document Checker (TDC) position. On August 7 2013 while performing TDC duties an unauthorized male gained access into the screening checkpoint queuing line and proceeded to the WTMD at Lane 6/7. You did not maintain effective situation awareness of your surroundings and failed to recognize this male entered through your TDC position. The male did not present nor did he have proper authorization documents to enter into this area.

You failed to follow established screening procedures as per TSA's Travel Document Check Standard Operating Procedures, Revision 1, Change 2, dated September 21, 2012, implemented September 25, 2012, sections 2C and 4C, which can be reviewed at the Security Checkpoint or Center of Excellence upon request.

Your actions, as mentioned above, fail to meet the expectations of a TSA employee as set forth in TSA management directive 1100.73-5, Employee Responsibilities and Conduct, dated May 21, 2009 and handbook, Revision 6, dated July, 2012, specifically but not limited to:

§5.A. "TSA employees are responsible for behaving in a way that does not bring discredit upon the Federal Government or TSA, and for observing the following basic on the job rules":

§5.A(7) "Observing and abiding by all laws, rules, regulations and other authoritative policies and guidance, written and unwritten.

On August 07, 2013 you were working on the West Checkpoint as a TDC officer. You screened the proper authorization documents for two females traveling together and their accompanying mother

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AUG 28 2013
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who presented you with a gate pass. The father was present in line with them and when you completed the document screening for the three females you turned your attention to the next passenger to the other side of your podium. You failed to notice the male enter to your right side along with the three previous females. Additionally, you provided in your written statement, "I recall the group in question - 3 women a mom and two daughters. The mom entered on a gate pass and the two daughters were traveling. I did notice the gentleman -- he appeared to be outside the stanchion and didn't appear to have an intention of entering". The male did enter through your TDC position and you did not notice him entering. The male was identified as not having proper authorization to enter the screening and sterile area by the divest officer at Lane 6/7. She queried the passenger when he relayed he needed to "bug his daughters goodbye" at the WTMD. The male then relayed that he did not have a gate pass. Due to your failure to recognize the passenger entering past TDC without a proper authorization documents, staffing resources had to be diverted from their assigned task and to secure and clear the situation.

In determining the appropriateness of the penalty, I took into consideration a number of factors. First, I considered the nature and seriousness of your actions. You failed to recognize the passenger walking by you without a traveler document at the TDC position, which is a serious offense, demonstrating a lack of attention on your part when on duty. In your position as a MBDO, following proper procedures to ensure that no prohibited item(s) or person's with intent to harm gets on board an aircraft is paramount. You were inattentive to your assigned duties as a TDC. Negligent performance of security duties subjects your fellow officers, airport employees, and passengers to unknown risks. Individually, you become a security vulnerability that may be exploited by anyone with ill intent if they observe and identify your security negligence. Your failure in TDC screening procedures resulted in a passenger entering the sterile area of the airport without presenting the proper authorization document(s) and thus impacting screening operations.

I also consider the mitigating factors of your tenure with TSA since August 3, 2002. You have a satisfactory performance record which is void of any disciplinary actions. You have developed and maintained good working relationships with your fellow officers. You have also been a constantly steady and dependable officer. Your record is void of any disciplinary action.

I also considered your note of "Dual-Line TDCs has always been associated with a huge potential for unauthorized entry. This is a problem that needs to be investigated/addressed." "It is difficult to maintain control of two lines while simultaneously scrutinizing documents." The positioning of the TDC podiums to accept two lanes of traffic is determined by the Office of Security Operations (OSO). At this time we are charged with enforcing this procedure. The TDC officer must maintain control of their position the same as the WTMD, DO, AIT SO, or the DYO. Any failure maintaining situational awareness or control has the potential of a security breach, which occurred in this very case. You may make suggestions for improving this process through the idea factory for consideration at the headquarters level.

Having considered the mitigating factors I do not find them sufficient to justify mitigating the level of this penalty to anything lower than a Letter of Reprimand. This penalty is consistent with the TSA Table of Offenses and Penalties, which provides for a "recommended penalty range" of a LOR to a 10 day suspension for the offense of Negligent Performance of Duties.

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As an employee of the Transportation Security Administration you are expected to meet high standards of conduct. It is hoped that this Letter of Reprimand will impress upon you the seriousness of your actions and that future discipline will not be necessary. Future misconduct may lead to further and more severe disciplinary action, up to and including termination of your TSA employment. This Letter of Reprimand may be cited as evidence of prior disciplinary action, should future discipline be warranted.

This Letter of Reprimand will be placed in your electronic Official Personnel Folder (eOPF) for up to a two-year period, during which time it may be cited as a prior formal disciplinary action in any future disciplinary matter. However, your supervisor may decide to remove the letter prior to the expiration of the two-year period. Once it is removed from your eOPF, your supervisor may retain a copy of the letter in the local supervisory file as documentation that you have been placed on notice regarding the performance or conduct referenced above.

You may grieve this action under the TSA Unitary Dispute Resolution System.

If you choose to grieve this action under the grievance procedures in TSA HCM 771-4, Handbook, and your grievance must be submitted in writing to the National Resolution Center (NRC) within fifteen (15) calendar days of receipt of this letter. The written grievance can be filed by email at resolutioncenter@tsa.dhs.gov, or facsimile at (703) 603-4057 using TSA form 1115-1, Grievance Request. A copy of IICM 771-4 Grievance Procedures is attached. The Designated Grievance Official (DGO) is Deputy Assistant Federal Security Director for Screening Carmen Burgos, (407) 563-(b)(6)

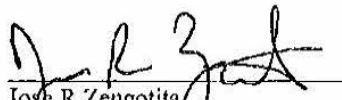
If you are interested in participating in mediation of this action, you can initiate the mediation process by calling the National Resolution Center at (571)227-5097 or emailing Resolutioncenter@tsa.dhs.gov to discuss whether your case is eligible for mediation. You should not file a written request for mediation with the NRC until after this discussion has occurred.

If you are Grieving an action for misconduct or a workplace issue that occurred on or prior to Oct 31, 2012 please contact the National Resolution Center for your Peer Review eligibility. If the misconduct occurred on or after November 1, 2012, you may only grieve this action under the grievance procedures; the Peer Review process is not available.

The Employee Assistance Program (EAP) is available to you to provide counseling services and/or assistance and may be contacted at 1-800-222-0364. The EAP is a confidential resource designed to help employees address a wide range of personal or family issues.

Please sign the acknowledgement of receipt below. Your signature does not indicate agreement with this action; it only represents receipt of this notice on the date signed.

Please sign the acknowledgement of receipt below. Your signature does not indicate agreement with this action; it only represents receipt of this notice on the date signed.


Jose R Zengotita
SPOT Transportation Security Manager

8/27/13 1538HR's
Date

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(b)(6)

Master Transportation Security Officer

(b)(6)

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Attachments:

1. Statement – MBDO (b)(6) dated August 7, 2013
2. Statement – TSO (b)(6) dated August 7, 2013
3. Statement – STSO (b)(6) dated August 7, 2013
4. Statement – TSM (b)(6) dated August 13, 2013
5. Spirit Airlines Gate Pass for authorized family member, Time: 1644, dated August 7, 2013
6. CCTV- (3) Three Photos
7. Travel Document Check SOP, Revision 1, Change 2 implemented September 25, 2012.
Section: 2C and 4C (*SSI- Available for Review Upon Request*)
8. TSA MD 1100.73-5, Employee Responsibilities and Conduct, May 21, 2009
9. TSA MD 1100.63-3, Employee Representation, dated June 8, 2011
10. HCM 771-4, Subject: National Resolution Center and Handbook, dated January 6, 2013

cc: eOPF
HR Specialist

Acknowledgement of Receipt WITH DISAGREEMENT

(b)(6)

Transportation Security Officer

8/27/2013
Date

OR

If refuse to Sign:

(b)(6)

Witnessed By: (Signature)

8/27/13
Date/Time

(b)(6)

Witnessed By: (Print Name)

Hand Delivered By:

(b)(6)

8/29/13
Date/Time

(b)(6)

Hand Delivered By: (Print Name)

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Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act